

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

**SOO LINE RAILROAD COMPANY,
d/b/a Canadian Pacific, a Minnesota
Corporation**

PLAINTIFF,

vs.

**DAKOTA GOLD TRANSFER-PLAZA,
a Delaware LLC**

DEFENDANT.

CASE NO.

COMPLAINT

Plaintiff, Soo Line Railroad Company d/b/a Canadian Pacific (hereinafter “CP”) by way of Complaint against defendant, Dakota Gold Transfer-Plaza LLC, a Delaware LLC (hereinafter “DGT”) states as follows:

1. The Court obtains jurisdiction in this matter pursuant to 28 USCA 1337 (a) and 49 USCA 10743(a) being a suit for interstate freight and transportation charges.
2. Plaintiff CP is a Minnesota Corporation with its principal place of business at 120 South Sixth Street, Minneapolis, Minnesota.
3. Plaintiff is a common carrier by railroad engaged in interstate commerce and doing business in the United States including the State of North Dakota.
4. Defendant, DGT is a Delaware Limited Liability Company with its principal place of business at 2901 Via Fortuna Drive, Suite 125, Austin, Texas 78746 doing business in North Dakota at 6286 41st Street NW, Plaza, ND 58771. It has a registered agent at CT Corporation System, 120 West Sweet Avenue, Bismarck, ND 58504-5566.

5. The subject matter of this action stems from charges for demurrage (extended asset use charges), intra terminal switch charges, incidental switch charges, other incidental services and interest assessed under CP Tariff 2 performed by CP for DGT in the State of North Dakota.

6. At all times between December 2016 and November 2019, CP assessed demurrage and other tariff charges for the transportation services it was providing to DGT as noted in paragraph 5 above. The Statement of invoices for these services are listed as noted in Exhibit A annexed to this Complaint.

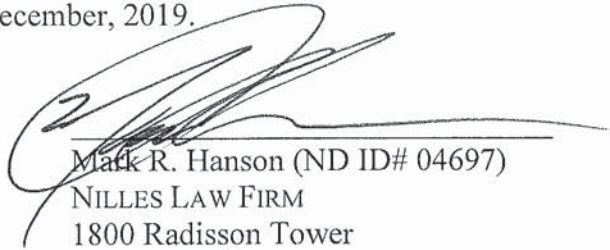
7. Pursuant to CP Tariff 2 there accrued to CP demurrage (extended asset use charges), intra terminal switch charges, incidental switch charges, other incidental services including interest in the sum of \$501,737.35 US Dollars.

8. Plaintiff gave notice to the defendant of the services it provided pursuant to its tariff and demanded payment for the charges. Defendant has neither paid nor disputed the charges assessed.

9. These charges were billed, and payment demanded for the services rendered by CP to DGT at DGT's Plaza, North Dakota office from where bills have always been disputed and/or paid; however, the defendant has failed and refused to pay the bills noted in this complaint.

WHEREFORE, Plaintiff Soo Line Railroad Company d/b/a Canadian Pacific demands that judgment be entered against Defendant Dakota Gold Transfer-Plaza LLC on this Complaint in the amount of \$501,737.35 US Dollars, plus any additional charges which may be due at the time of hearing, prejudgment as may be allowed under the law, together with costs and disbursements.

Dated this 27 day of December, 2019.

A handwritten signature in black ink, appearing to read 'Mark R. Hanson', is written over a horizontal line.

Mark R. Hanson (ND ID# 04697)

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